

DETAILED ACTION

Response to Amendment

1. This Office action has been issued in response to amendment filed September 06, 2011. In response to last office action, claims 25-27, 33, 35, 37-39, 41, 43, 44 and 46 have been amended. Claim 45 has been cancelled. Claims 25-44 and 46-50 remain pending in this application. Applicant's arguments are carefully and respectfully considered, and some are persuasive, while others are not. Accordingly rejections have been removed where arguments were persuasive, but rejections have been maintained where arguments were not persuasive. Also, a new rejections based on the newly added amendments have been set forth. Accordingly, claims 25-44 and 46-50 are rejected and this action has been made **FINAL**, as necessitated by amendment.

Response to Arguments

2. Applicant's arguments directed to objection to the specification and 35 USC § 112 first paragraph rejections have been considered, but they are not persuasive. The term "NAICS/ISC" may have multiple abbreviation or meaning. The term is not defined in the applicant's original specification. The claim or claims must confirm to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description (see § 1.58(a)). As such, objection to the specification and rejection under 35 USC § 112 first paragraph is hereby sustained.

Art Unit: 2164

3. Applicant's arguments on pages 15-18, (rejection under 35 USC § 102 and 35 USC § 103) have been fully considered. Candall reference in fact teaches amended claim recites limitations, which have been addressed in the detailed office action. Himmel in view of Candall teaches all claim recites limitations (see Himmel, column 2, line 57-65, column 6, line 66 to column 7, line 2; Also, see Candall, column 5, line 64-67, column 9, line 4-7). The claims have been rejected under the new ground of rejections. Applicant's arguments are moot in view of the new ground(s) of rejection.

Objection

4. Claims 35 and 44-46 are objected, because of the following reasons.

In claim 35 recites the limitations of "so that" (c. g. claim 35, line 3). The limitation of 'so that' is merely an intended use, which does not further limit the claimed invention.

Claim 44, recites the limitation of "external email". The phrase "external" is ambiguous as recited in the claim.

Any claim not specifically addressed, above, is being objected as incorporating the deficiencies of a claim upon which it depends.

5. Specification is objected, because the claim recites limitations (e.g. NAICS/SIC) is not defined in the specification (see MPEP § 1.75).

Claim Rejections-35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 39 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter “NAICS/SIC codes” (e.g. claim 39, line 2) which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically, the claim recites limitations do not appear to be described in the original specification in a way to reasonably explain to one skilled in the art. Examiner rejected these limitations for the purposes of applying prior art. In order to expedite the prosecution process of this present application, the examiner assumes that applicants will correct or delete the new matter issues.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25-44 and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel (US 6,256,639 B1) and further in view of Crandall et al. (US 6,321,228 B1), hereinafter, Crandall.

As for claim 25, Himmel teaches a computer-implemented method for exchanging newly added information over the internet, comprising the steps of: receiving by an information exchange information uploaded from information sources, the information exchange being configured to include a processor for receiving information and a user profile over the Internet, the user profile being provided by a user (see column 6, line 9-14, the browser can be

Art Unit: 2164

configured so that a newly served bookmark set automatically becomes the active bookmark set in the browser), receiving and storing by the information exchange a search query as a query in a system database, which is used for retrieving the uploaded information pertaining to the query (**see abstract, a search query from a client containing a set of keywords is received, the stored bookmark sets are searched for one or more bookmark sets associated with at least one keyword matching a keyword from the search query**), continually monitoring by the information exchange to determine whether any newly uploaded information that is responsive to the query stored in the system data database has been added to the information exchange by the information sources (**see column 6, line 22-25, the bookmark set is created at workstation and uploaded to the bookmark set server, column 2, line 57-65, bookmark sets stored in a computer system, column 6, line 66 to column 7, line 2, a newly downloaded bookmark set is made active or accessible by the browser and the user can use the bookmark set to access the included URLs**), determining at the information exchange whether the newly uploaded information from the information sources matches the query; and (**see column 3, line 2-6, a list of bookmark sets which satisfy the query, i.e. are associated with matching keywords, are returned to the client browser**), sending, over the Internet, to the user the matched newly uploaded information (**see column 5, line 24-40, in the internet, a web server accepts a client request and returns a response back to the client...decode a message to get the actual client request**).

Himmel does not explicitly teach the limitation of after storing the query in the system database; previously stored in the system database. Crandall teaches the limitation of after storing the query in the system database (see column 5, line 64-67, after queries are constructed,

Art Unit: 2164

search engine searches a collection database and a rank database), previously stored in the system database (see column 9, line 4-7, previously selected records that are related to a specific topic).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the teaching of Himmel by applying the teaching of Crandall for a system that enables internet users to access selected records retrieved from result sets that are derived from earlier search queries. Thus, when the user submits a search query to the system, it returns selected records from the collection and rank databases, in addition to other related web sites from the internet (see Crandall, column 2, line 10-30).

As for claim 26, Himmel in view of Crandall teaches further comprising the step of sending the matched newly uploaded information to the user who has indicated an interest in receiving the newly uploaded information (see **Himmel, column 7, line 57-67**).

As for claim 27, Himmel in view of Crandall teaches wherein the information exchange and the user are in communication with one of a computing device, server or web agent via a communication network (see **Himmel, column 3, line 34-41**).

As for claim 28, Himmel in view of Crandall teaches wherein the user includes a subscriber (see **Himmel, column 2, line 51-52, subscribe to receive automatically updates to a selected bookmark set**).

As for claim 29, Himmel in view of Crandall teaches wherein the information exchange attaches to the matched newly uploaded information additional information including at least one of advertisement, competitive information, and complimentary information from third parties based on the query or the user profile (see **Himmel, column 8, line 42-44, user profile information could be collected as part of starting an account, authorization or subscription process. Given the client identifier, such information can be correlated to the current bookmark set search**).

As for claim 30, Himmel in view of Crandall teaches wherein the additional information includes a link to a file or the file for display on a device of the user (see **Himmel, column 5, line 17-23**).

As for claim 31, Himmel in view of Crandall teaches wherein when the new uploaded information matches the query, the information exchange activates one of web services, custom application, and notifications (see **Himmel, column 6, line 55-57**).

As for claim 32, Himmel in view of Crandall teaches wherein the information exchange indexes and ranks the uploaded information received from the information sources (see **Crandall, column 3, line 5-9, store URL records corresponding to the bookmark web page in the rank database, and to track and rank the URL records based on the bookmarking activity on the associated web site**).

As for claim 33, Himmel in view of Crandall teaches wherein the information exchange aggregates two or more users into one or more interest groups, customer profiles and spending levels for receiving selective notification and pricing of information (**see Himmel, column 10, line 52-55**).

As for claim 34, Himmel in view of Crandall teaches further comprises a search engine linked to the information exchange to provide additional query results based on information uploaded from other users (**see Himmel, column 6, line 15-21**).

As for claim 35, Himmel in view of Crandall teaches wherein the information exchange creates an internal link and tagging system for all information processed through the information exchange and ranks said information by priority and relevance so that a data tree on any topic is created and is accessible by the user (**see Himmel, column 6, line 39-43; Crandell, column 3, line 5-9**)).

As for claim 36, Himmel in view of Crandall teaches wherein the query is combined with information provided by the user's computing device, web service, or the search engine used including advertisements stored in an ad database (**see Himmel, column 6, line 39-43, column 8, line 11-16**).

Art Unit: 2164

As for claim 37, Himmel in view of Crandall teaches wherein the information exchange synchronizes the user's storage device with the newly uploaded information (**see Himmel, column 10, line 9-14**).

As for claim 38, Himmel in view of Crandall teaches wherein the information exchange receives a list of the newly uploaded information or changes to the uploaded information (**see Himmel, column 6, line 9-14**).

As for claim 39, Himmel in view of Crandall teaches wherein the list of the newly uploaded information or changes may be organized under standard NAICS/SIC codes or use XML headers for classifications for matching the newly uploaded information with the query (**see Himmel, column 4, line 55-59, e.g. XML will be used in the browsers of the future**).

As for claim 40, Himmel in view of Crandall teaches wherein the uploaded information is received by a message logic flow module of the information exchange, which determines the source, content, priority, size, relevance and uniqueness of the uploaded information (**see Crandell, column 3, line 5-9; Himmel, column 6, line 15-21**).

As for claim 41, Himmel in view of Crandall teaches wherein the information exchange validates the user and controls content delivery to the user and administers user preferences and rights to access the uploaded information using a controller (**see Himmel, column 3, line 5-9, a**

Art Unit: 2164

selected bookmark set, the selected bookmark is served to the client. The selected bookmark set is received and used by the client browser to access the set of URLs in the selected bookmark set).

As for claim 42, Himmel in view of Crandall teaches wherein the information exchange, using a text search and parse engine, conducts searches against a text index and database search entries in an index and counter module (**see Himmel, column 7, line 19-35**).

As for claim 43, Himmel in view of Crandall teaches wherein results of the searches are provided to a prioritization engine which uses the query stored in a query directory of the system database to rank the results of the searches (**see Crandell, column 3, line 5-9**).

As for claim 44, Himmel in view of Crandall teaches wherein the prioritization engine forwards the results of the searches to a message engine which packages the search results with advertisements stored in an ad registry of the system database to an internal web-log, external email, web agents, communication devices and/or servers (**see Crandell, column 3, line 5-9, see Himmel, column 6, line 4-14**).

As for claim 46, Himmel in view of Crandall teaches wherein the advertisements are embedded with codes including at least one of complex tags, links and means for measuring conversion rates and cost per new order (**see Himmel, column 5, line 17-23; see Crandell, column 3, line 34-45**).

As for claim 47, Himmel in view of Crandall teaches further combining the query with information provided by the user's computing device, web service, or search engine used and translating the query into a complex query based on at least one of the user profile, other previously entered user information and a ranking of search results for access by the information exchange (see **Crandell, column 3, line 5-9, see Himmel, column 6, line 4-14**).

As for claim 48, Himmel in view of Crandall teaches wherein the information source includes another user (see **Himmel, column 10, line 10-14**).

As for claim 49, Himmel in view of Crandall teaches wherein the message includes at least one of an alert, a URL link, and a data file (see **Himmel, column 2, line 60-65**).

As for claim 50, Himmel in view of Crandall teaches wherein the query is a static query (see **Himmel, column 7, line 1-7**).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2164

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Daniel A Kuddus whose telephone number is (571) 270-1722. The examiner can normally be reached on Monday to Thursday 8.00 a.m.-5.30 p.m. The examiner can also be reached on alternate Fridays from 8.00 a.m. to 4.30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or processing is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/dk/

Application/Control Number: 10/594,264

Page 13

Art Unit: 2164

Daniel Kuddus

Date: 10/19/11

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164